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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/295,864	04/21/99	FELDSTEIN	A MCS-003-98

027662 TM11/0523
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EXAMINER

CHAMPAGNE, D

ART UNIT

PAPER NUMBER

2162

DATE MAILED:

05/23/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/295,864

Applicant(s)

FELDSTEIN ET AL

Examiner

Donald L. Champagne

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 1999 is/are ~~objected to by the Examiner~~ *accepted*.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 USC 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 15 and 18 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 15, line 1, recites the limitation "interface tools". There is insufficient antecedent basis for this limitation in the claim. This rejection can be satisfied by changing the dependency from claim 13 to claim 14.

Claim 18, line 1, recites the limitation "display device". There is insufficient antecedent basis for this limitation in the claim. This rejection can be satisfied by changing the dependency from claim 11 to claim 12.

Claim Rejections - 35 USC § 102 and 35 USC § 103

3. The following is a quotation of the appropriate paragraphs of 35 USC 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. The following is a quotation of 35 USC 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1-9, 12-22, 25-28 and 30 are rejected under 35 USC 102(e) as anticipated by Bull et al.
6. Bull et al. teaches (independent claims 1, 12 and 25) a computer-implemented method for displaying personalized information on a client system, a display device for rendering said information thereon, and a computer-readable medium containing the method, the method comprising: collecting data associated with a user on a server ((col. 3 lines 36-37); processing the data to create unique user profile (col. 3 lines 37-42); tracking at least a portion of the data and providing the user with a variety of search options (col. 3 line 63 to col. 4 line 6), which reads on performing estimation calculations to generate results and updated personal information; and automatically communicating the results and the personalized and updated information to the user via the client (col. 3 lines 55-57).
7. Bull et al. also teaches: (claims 2 and 13) an interactive computer environment (col. 4 line 15); (claims 3, 4, 16, 17 and 26) with communication over the WWW in HTML (col. 3 lines 58 and 52); (claims 5, 6, 14, 15, 18, 19 and 27) providing interactive graphical control interface options (col. 3 line 61 and col. 4 line 15); (claims 7 and 20) user characteristics including the user profiles (col. 4 lines 20-23); (claims 8 and 21) transmission of results by personalized e-mail (col. 4 line 12); (claims 9, 22 and 28) allowing real-time interaction with the information (col. 4 line 15); and (claim 30) using the classification profile to demographically and statistically perform target marketing (col. 14 lines 19-25).
8. Claims 10, 11, 23, 24 and 29 are rejected under 35 USC 103(a) as obvious over Bull et al. in view of Wong.
9. Bull et al. does not teach (claims 10, 23 and 29) calculating projected automobile repair costs. Wong teaches calculating projected automobile costs. Because the combination would be very helpful to user's negotiating damage settlements with their auto insurance companies, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to combine the teachings of Wong with those of Bull et al.
10. Neither of the references teach computing projected prices of automobiles. Official Notice is taken (MPEP § 2144.03) that this limitation is common. It would therefore have been obvious to one of ordinary skill in the art, at the time of the invention, to add this limitation.

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The NADA blue book has been available on disc or CD for many years, and the Consumers Union has also offered an on-line auto price service for many years.

11. None of the references teach (claims 11 and 24) client-side processing. This is obvious since a user can always choose to use the client as a PC to work the data.
12. Claim 31 is rejected under 35 USC 103(a) as obvious over Bull et al. in view of Chapin, Jr.
13. Bull et al. does not teach using automobile mileage to estimate maintenance schedules. Chapin, Jr. teaches (col. 2 lines 49-52) using automobile mileage to estimate maintenance schedules. Because Bull et al. teach features which would enhance the simple system of Chapin, Jr., it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add the teachings of Bull et al. to those of Chapin, Jr.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L. Champagne whose telephone number is 703-308-3331. The examiner can normally be reached on Monday-Thursday, 6:30 AM to 5 PM.



Donald L. Champagne
Examiner
Art Unit 2162

17 May 2001